

HOUSE No. 2038

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Poirier

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to youth concussions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

HOUSE No. 2038

By Mrs. Poirier of North Attleborough, a petition (accompanied by bill, House, No. 2038) of Elizabeth A. Poirier, Mathew Muratore and Chris Walsh for legislation to establish an interscholastic athletic head injury safety training program within the Department of Public Health. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2056 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act relative to youth concussions.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 “SECTION 1. Section 1 of chapter 111 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by adding the following sentence:--

3 “Youth”, an individual who is 18 years of age or younger.

4 “Youth athletic activity”, an organized athletic activity where the majority of participants
5 are 18 years of age or younger

6 “Youth sports organization”, any public or private organization or school that organizes,
7 operates, manages or sponsors a youth athletic activity for its students, members, enrollees or
8 attendees.

9 SECTION 2. Said chapter 111 is hereby further amended by striking out section 222, as
10 appearing in the 2012 Official Edition, and inserting in place thereof the following section:--

11 Section 222. (a) The department shall direct the division of violence and injury
12 prevention to develop an interscholastic athletic head injury safety training program in which all
13 youth sports organizations shall participate. Participation in the program shall be required
14 annually of coaches, trainers and parent volunteers for any youth athletic activity; physicians and
15 nurses who are employed by a youth sports organization or who volunteer to assist with a youth
16 athletic activity; athletic directors; directors responsible for a school marching band; and a parent
17 or legal guardian of a child who participates in a youth athletic activity.

18 In developing the program, the division may use any of the materials readily available
19 from the Centers for Disease Control and Prevention. The program shall include, but not be
20 limited to: (1) current training in recognizing the symptoms of potentially catastrophic head
21 injuries, concussions and injuries related to second impact syndrome; and (2) providing youth
22 athletes that participate in any youth athletic activity, including membership in a marching band,
23 the following information annually: a summary of department rules and regulations relative to
24 safety regulations for participation in youth athletic activities, including the medical protocol for
25 post-concussion participation or participation in a youth athletic activity; written information
26 related to the recognition of symptoms of head injuries, the biology and the short-term and long-
27 term consequences of a concussion.

28 (b) The department shall develop forms on which youth athletes shall be instructed to
29 provide information relative to any sports head injury history at the start of each sports season or
30 program. These forms shall require the signature of both the youth athlete and the parent or legal

31 guardian thereof. Once complete, the forms shall be forwarded to all coaches prior to allowing
32 any youth athlete to participate in a youth athletic activity so as to provide coaches with up-to-
33 date information relative to an athlete's head injury history and to enable coaches to identify
34 youth athletes who are at greater risk for repeated head injuries.

35 (c) If a youth athlete participating in a youth athletic activity becomes unconscious during
36 a practice or competition, the youth athlete shall not return to the practice or competition during
37 which youth athlete became unconscious or participate in any youth athletic activity until youth
38 athlete provides written authorization for such participation, from a licensed physician, licensed
39 neuropsychologist, certified athletic trainer or other appropriately trained or licensed health care
40 professional as determined by the department of public health, to the director of the youth sports
41 organization that sponsored the activity during which the injury occurred.

42 If a youth athlete suffers a concussion as diagnosed by a medical professional, or is
43 suspected to have suffered a concussion while participating in a youth athletic activity, the youth
44 athlete shall not return to the practice or competition during which the youth athlete suffered, or
45 is suspected to have suffered, a concussion and shall not participate in any youth athletic activity
46 until the youth athlete provides written authorization for such participation, from a licensed
47 physician, licensed neuropsychologist, certified athletic trainer or other appropriately trained or
48 licensed health care professional as determined by the department of public health, to the youth
49 sports organization that sponsored the activity during which the injury occurred.

50 (d) A coach, trainer, employee or volunteer for a youth athletic activity shall not
51 encourage or permit a youth athlete participating in a youth athletic activity to engage in any

52 unreasonably dangerous athletic technique that unnecessarily endangers the health of a youth
53 athlete, including using a helmet or any other sports equipment as a weapon.

54 (e) The youth sports organization shall maintain complete and accurate records of the
55 organization's compliance with the requirements of this section. A youth sports organization that
56 fails to comply with this section, as determined by the department, shall be subject to penalties as
57 determined by the department.

58 (f) Nothing in this section shall be construed to waive liability or immunity of a school
59 district or its officers or employees. This section shall not create any liability for a course of legal
60 action against a school district, its officers or employees.

61 (g) A person who volunteers to assist with a youth athletic activity shall not be liable for
62 civil damages arising out of any act or omission relating to the requirements of this section,
63 unless such person is willfully or wantonly negligent in his act or omission.

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65 (h) The division shall adopt regulations to carry out this section.

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